IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 278 (S/S) of 2004

1. Ritu Jain D/o Sri Rajendra Jain, R/o T-10, Yamuna Colony, Dehradun
2. Aanchal Rawat D/o Sri D.S. Rawat, Village Bhatta, P.O. Barloganj, Mussorriee, Dehradun
3. Sandhya D/o Sri Shivpal Goel C/o Sri Pravesh Mittal, Railway Road, Doiwala, Dehradun

..... Petitioners

Versus

1. State of Uttaranchal through its Principle Secretary, Department of Technical Education, Dehradun
2. Director, Technical Education State of Uttaranchal, Dehradun
3. Public Service Commission, Uttaranchal, Hardwar through its Chairman

.....Respondents

Sri K.P. Upadhyaya, learned standing counsel for the State.
Sri B.D. Kandpal, learned counsel for the respondent No.3

Dated: March 6, 2006

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal,J.

None is present for the petitioner. Heard learned counsel for the respondents.

2. By means of this writ petition, the petitioner has prayed for writ of mandamus commanding the respondents to consider the candidature of the petitioners for the post of Lecture in Interior Decoration and Designing by giving relaxation to them in prescribed qualification in view of the similar relaxation given by Union Public Service Commission.

3. The grant of relaxation is discretionary one and it is the total discretion of the Appointing Authority

to grant relaxation to a particular candidates in the peculiar facts of the case. No statutory duty is cast upon the Appointing Authority to grant relaxation, therefore, a writ of mandamus as prayed is not maintainable. Learned standing counsel submitted that the petitioners are even otherwise not eligible to be considered.

4. For the reasons recorded above, the writ petition is devoid of merit and is hereby dismissed. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang